

AMENDMENTS TO CLAIMS

Agent for Applicant respectfully requests the following amendments to the claims without adding any new subject matter, namely:

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1. [Amended] A multipurpose disc useful as a throwing, tugging, and chewing toy for play and exercise involving pets and for play and exercise involving pets and people, and useful as a water and food dish for pets, the disc comprising:
 - (a) a circular top portion;
 - (b) an annular sidewall portion that merges with said circular top portion;
 - (c) an annular flange portion that merges with said [annual side wall] annular sidewall portion, the said annular flange portion and said circular top portion[s] being disposed in parallel spaced planes;
 - (d) a convex outer side; and,
 - (e) a concave inner side[.]
 - (f) thread fabric continuously disposed within said top, sidewall and flange portions for reinforcing said disc.
2. [Amended] The multipurpose disc as described in claim 1 wherein said [circular top portion is flat] annular flange presents an outer annular edge and said thread fabric extends to said outer annular edge.
3. [Amended] The multipurpose disc as described in claim 2 wherein said top portion is flat and said annular flange portion has an annularly

depressed trough formed where said [annual] annular flange portion merges with said annular sidewall portions on said convex outer side.

4. [original] The multipurpose disc as describe in claim 3 wherein said disc is composed of a resilient material.

5. [Amended] The multipurpose disc as described in claim 4 wherein [a re-enforcing member conforming] said thread fabric conforms in shape to said circular top portion, said annular [side wall] sidewall portion, and said [annual] annular flange portion of said disc, is disposed centrally between thicknesses of said resilient material in said circular top portion, said annular [side wall] sidewall portion, and said [annual] annular flange portion of said disc.

6. [Amended] The multipurpose disc as described in claim 5 wherein [the] said re-enforcing member is composed of flexible woven fabric.

7. [Original] The multipurpose disc as describe in claim 6 wherein said resilient material is waterproof, durable, and flexible.

8. [Amended] The multipurpose disc as describe in claim 7 [wherein said waterproof, durable, and flexible material is] comprising natural or synthetic rubber.

9. CANCEL

10. CANCEL

11. [New] A disc toy for a pet comprising a top portion presenting an annular sidewall portion depending and diverging away from said top portion so as to present a conical surface, and an annular flange portion merging with said annular sidewall portion, said flange and top portions lying in substantially parallel spaced planes, said annular flange presenting an

annular outer edge, said portions comprising rubber, and thread fabric continuously disposed internally within said top, sidewall and flange portions to said outer edge for reinforcing said disc, when said toy is tugged by said pet, said toy capable of being thrown with said top portion uppermost.

- 12. [New] A disc toy as claimed in claim 11 wherein said toy is flexible and soft and adapted to be chewed and tugged by said pet without harm to said pet's mouth.
- 13. [New] A disc toy as claimed in claim 12 wherein said flange portion has an annular depressed trough adapted to be grasped by a user for throwing said toy.
- 14. [New] A disc toy as claimed in claim 13 wherein said top portion is adapted to contact the surface to permit reception of water within said top portion and said annular sidewalls.
- 15. [New] A disc as claimed in claim 14 which is chewable by said pet and beneficial to said pet's oral health.
- 16. [New] A disc as claimed in claim 15 wherein said thread fabric extends to said outer edge.
- 17. [New] A disc toy as claimed in claim 15 wherein said thread fabric reinforces said rubber disc.
- 18. [New] A disc toy as claimed in claim 11 wherein said thread fabric is disposed centrally between thicknesses of said top, sidewalls and flange portions.
- 19. [New] A multipurpose disc as claimed in claim 8 wherein said disc is vulcanized rubber capable of being chewed and thrown.

20. [New] A multipurpose disc as claimed in claim 19 wherein said thread fabric permits bonding of said rubber to resist stretching and tearing when tugged by pets.

21. [New] A disc toy as claimed in claim 11 wherein said disc is flexible and foldable yet sufficiently rigid to maintain it's shape.

Kindly note that the claims have been amended so as to focus on:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;
3. the thread fabric reinforces the rubber disc;
4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. The disc toy is capable of being tugged without harm to the pet's mouth

Furthermore new claim 21 has been added to incorporate the structure described on page 5 line 18 without adding any new subject matter:

...the rubber -like material allows the pet toy to be flexible...and yet rigid enough to maintain its shape

REVOCATION OF AGENT

Please find enclosed herewith a revocation of agent form nominating the undersigned as the new patent agent.

PRIORITY

Agent for Applicant acknowledges Examiner's statement that applicant has not filed a certified copy of Canadian patent application no. 2,337,465 as required by 35 U.S.C. 119(b).

Kindly note that Agent for Applicant has made a request to obtain same and shall file the certified copy as soon as it is received.

INFORMATION DISCLOSURE STATEMENT

Agent for Applicant acknowledges that the listing of references in the specification is not a proper information disclosure statement and unless the references have been cited by the Examiner on a form PTO-892 they have not been considered.

Agent for Applicant encloses herewith an Information Disclosure Statement (2 pages) with citations attached.

DRAWINGS

Agent for Applicant will provide formal drawings at a later date.

SPECIFICATION

Furthermore Examiner stated that the use of the trademark "FRISBEE" has been noted in the application and that it should be capitalized wherever it appears and be accompanied by the generic terminology.

Agent for Applicant respectfully requests the following amendments to the specification without adding any new subject matter, namely:

Page 1, Paragraph 3

Flying disc or saucer shaped toys for games between humans are, of course, well known. The most famous may be the Frisbee™ throw toy. Recently, a flexible waterproof embodiment of such a flying disc was described in United States Patent Number 6,174,214 (Cooper). Flying discs of the traditional more rigid design are disclosed in United States Patent Numbers 5,340,347 (Yenerich), 5,531,624 (Dunipace), 4,246,720 (Stone), 4,077,155 (Bruntmyer), 3,724,122 (Gillespie), and 3,359,678 (Headrick). However, these toys, being generally constructed on a rigid form of plastic, when used in play with pet dogs may cause damage to the pet's mouth. This is especially so if such toys are used in "tug-o-war" like games with pets. Such a game would commonly involve a playful, yet aggressive, contest between a person and pet wherein each would grasp an opposite end of the toy and tug or pull thereon. While United States Patent Numbers 5,261,846 (Hanna)

Page 5, Paragraph 3

The shape and composition of the pet toy 100 provide it with several unique features and advantages. Referring to FIG. 3, the pet toy's 100 saucer-like shape and lightweight allow it to be used in throwing games 300 with pets. In such throwing games 300, a person 310 may throw the pet toy 100, with its convex outer side 140 facing up, to a pet 320 or to a location from where the pet 320 may fetch the pet toy and return it to the person 310. The person 310 may throw the pet toy 100 by grasping it with the thumb on the convex side 140, with the assistance of the annularly depressed trough 160, and with one or more fingers on the concave side 150. The Throwing may be accomplished with a wrist snapping motion typically used in throwing a flying disk or Frisbee.™ throw [like] toy. Referring to FIG. 4, the

pet 320 may catch **400** the pet toy 100 in its jaws. The soft and flexible nature of the pet toy 100 allows the pet 320 to safely catch the pet toy **100** in its jaws. This soft and flexible nature, along with the pet toy's 100 chewable property, allow

CLAIM OBJECTIONS

Examiner objected to claims 1 and 5, lines 6 and 2 & 4 respectively by requesting that Applicant delete "side wall" and insert ---sidewall---.

Moreover Examiner requested that claims 1 and 6, lines 6 and 1 respectively delete "the".

Furthermore in claims 1 and 3, lines 7 and 2 respectively, after "...said annular flange" insert ---portion---.

In claim 1, line 7 delete "portions" and insert ---portion---.

Furthermore in claim 3, line 2, delete "depresses" and insert ---depressed---. In this regard Agent for Applicant respectfully states that claim 3, line 2 already uses the word "depressed".

Finally Examiner stated that in claim 3, line 3 after "annular sidewall" insert ---portion---.

Kindly note that the amended claims encompass the Examiner's requested changes.

35 U.S.C. § 112

Examiner rejected claims 8-10 as being indefinite on the basis that claim 8 recites the limitation "said waterproof, durable, and flexible material" in lines 1 and 2. In this regard Examiner stated that there was insufficient antecedent basis for this limitation in the claim.

Kindly note that the claim has been amended so as to overcome said objection.

35 U.S.C. § 102

Examiner stated that claims 1-4 were rejected as being clearly anticipated by Ross. Furthermore Examiner rejected claims 1-3 as being clearly anticipated by Gardner. Also Examiner stated that claims 1-4 were rejected as being clearly anticipated by Axelrod as well as Headrick. Also Examiner stated that claims 9 and 10 were anticipated by Milzoff as well as Cooper.

In this regard Agent for Applicant respectfully states that neither Ross, Gardner, Axelord, Headrick, Milzoff nor Cooper teach:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;
3. the thread fabric reinforces the rubber disc;
4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. The disc toy is capable of being tugged without harm to the pet's mouth

More specifically Cooper teaches:

the flying disc 10 is constructed with a central, generally circular section or generally disc-shaped core 18 preferably formed from a single piece of **resilient, non-porous, water impervious material**. Upper and lower surfaces of the core 18, corresponding to the upper and lower surfaces 14, 16 of the body 11, are covered by **fabric layers** 20, 22 respectively, which conform to the shape of the core (see col. 3, lines 57-64).

Applicant on the other hand teaches:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;
3. the thread fabric reinforces the rubber disc;
4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. the disc toy is capable of being tugged without harm to the pet's mouth

In other words Applicant's invention teaches the use of fabric within the portions rather than on the exterior thereof. Furthermore Cooper does not teach a thread fabric which extends to the outer edge of the flange.

Moreover since Cooper teaches the fabric layer on the outside such fabric layer would be ripped apart by a pet , while applicant's fabric layer reinforces the disc.

Mitzoff teaches:

a flexible flying disc 10 is constructed with a circular core 12, preferably formed from resilient synthetic material, example **foam rubber**...the opposite faces of core 12 are covered by conforming fabric segments 14, 16... (see col. 3, lines 39-50).

Applicant on the other hand teaches:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;

3. the thread fabric reinforces the rubber disc;
4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. the disc toy is capable of being tugged without harm to the pet's mouth

Furthermore Mitzoff does not teach the use of a fabric material that extends continuously through the portions to the outside edge of the flange.

Applicant's structure permits reinforcement of the rubber portions particularly when the device is being stretched in use. In other words the fabric material resists separation on tearing of the rubber disc.

35 U.S.C. § 103

Furthermore Examiner stated that claims 5-10 were rejected as being unpatentable over Headrick in view of Cooper. In particular Examiner stated that Headrick in view of Cooper discloses the claimed invention except for the reinforcing member being composed of a flexible woven fabric. In this regard Examiner stated that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disc of Headrick in view of Cooper to include the aforementioned limitation.

In this regard Agent for Applicant respectfully states that none of the prior art teaches:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;
3. the thread fabric reinforces the rubber disc;

4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. the disc toy is capable of being tugged without harm to the pet's mouth

In particular Cooper teaches away from the use of thread fabric disposed **within** or **inside** the top, sidewall and flange portions to the outer edge of the reinforcement of the rubber disc. In particular Cooper teaches the use of fabric on the **outside** surface rather than the inside of the device.

Moreover Examiner stated that claims 5-10 were unpatentable over Ross in view of Milzoff.

In this regard Agent for Applicant respectfully states that Milzoff teaches away from the use of fabric material within the disc, rather Milzoff teaches the use of fabric on the outside surface.

Furthermore none of the prior art including Milzoff or Cooper teach:

1. the thread fabric continuously disposed within the top, sidewall and flange portions for reinforcing the disc;
2. the annular flange presents an outer annular edge and the thread fabric extends to the outer annular edge;
3. the thread fabric reinforces the rubber disc.
4. the disc toy is a throw toy, chewable without harm to the pet's mouth and capable of being thrown and inverted to contain water.
5. the disc toy is capable of being tugged without harm to the pet's mouth

None of the prior art teach the combination claimed by the applicant.